



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

ELP
Docket No. 4473-00
15 December 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 24 April 1990 for four years at age 19. The recruit evaluation record reflects that you had difficulty with the drill instructor's yelling and became homesick for your family. The record notes that by 18 May 1990 that you were lagging behind the platoon and were usually the last one to finish assigned tasks. When you were given additional instruction, you became sullen, began to cry, and wanted to see the senior drill instructor. You were viewed as emotionally weak and looking for any way out of recruit training. On 24 May 1990 you were brought to the senior drill instructor because of suicidal ideation. You were counseled and referred to the chaplain.

On 2 June 1990 you were counseled by the chain of command for refusing to train. When you continued to refuse to train, disciplinary action was recommended. On 12 June 1990 you received nonjudicial punishment (NJP) for disobedience of an order to train. Punishment imposed was a forfeiture of \$156.

On 18 June 1990 you were notified that you were being recommended for an entry level separation by reason of entry level performance and conduct due to breaches in military discipline. You were advised of your procedural rights and declined to consult with legal counsel or submit a statement in your own behalf. Thereafter, the commanding officer recommended an uncharacterized entry level separation by reason of entry level performance in lieu of a second NJP for refusing to train. You were so discharged on 21 June 1990 and assigned an RE-3F reenlistment code.

The Board noted your statement, letters of reference, and certificates of commendation in support of your application. The Board also noted that regulations authorize the assignment of an RE-3F or RE-4 reenlistment code to individuals who are discharged by reason of entry level performance and conduct. An RE-3F reenlistment code means the individual failed to complete recruit training. This code may be waived by recruiting authorities if you can convince them that the circumstances which led to your discharge would not recur, and if current policy will allow a waiver. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval of Headquarters, Marine Corps. The Board could find no error or injustice in the assigned reenlistment code since you received the most favorable code authorized by regulations. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director